

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WAYNE CHREBET,

Plaintiff,

-against-

COUNTY OF NASSAU, PAUL SZYMANSKI,
BOHDAN PILCZAK, SCOTT TUSA, RICHARD
HERMAN, BRIAN FITZGERALD, ARNOLD
ROTHENBERG, RICHARD SOTO, KEVIN LOWRY,
And MICHAEL KRUMMENACKER,

Defendants.
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09-CV-4249
(DRH)(AKT)

**PLAINTIFF'S
DECLARATION IN
PARTIAL
OPPOSITION TO
MOTION FOR
SUMMARY
JUDGMENT
AND IN SUPPORT
OF CROSS-
MOTION TO
AMEND**

Matthew J. Jones, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, as follows:

1. I am associated with the law firm of Sullivan Papain Block McGrath & Cannavo, P.C., attorneys for plaintiff Wayne Chrebet.
2. This Declaration and its attached exhibits are being submitted in partial opposition to the defendants' motion for summary judgment and in support of the plaintiff's cross-motion for leave to amend his complaint.
3. Annexed hereto as **Exhibit 1** is a copy of the Notice of Claim that was served on the defendant County of Nassau on September 3, 2008.
4. Annexed hereto as **Exhibit 2** is a copy of an order, signed by the Honorable John M. Galasso (Supreme Court, Nassau County) on October 30, 2008 and filed with the Nassau County Clerk on November 3, 2008, permitting plaintiff to file late notice of claim pursuant to General Municipal Law § 50-e(5).

5. Annexed hereto as **Exhibit 3** is a copy of the plaintiffs' Verified Complaint.

6. Annexed hereto as **Exhibit 4** is a copy of the Answer filed by the defendants on or about October 22, 2009.

7. Annexed hereto as **Exhibit 5** is a copy of the deposition of Matthew Prince, taken on December 18, 2009, in the action of *Prince v. County of Nassau*.

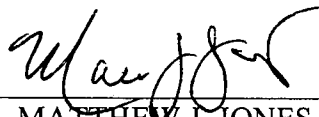
8. Annexed hereto as **Exhibit 6** is an affidavit by Wayne Chrebet, Sr., sworn on December 10, 2010.

9. Annexed hereto as **Exhibit 7** is a copy of the Amended Complaint plaintiff seeks leave to serve and file.

10. Annexed hereto as **Exhibit 8** is an affidavit by Christopher Greene, sworn to on February 15, 2012.

11. Plaintiff submits that, (a) defendants' motion for summary judgment should be denied except to the extent indicated in Plaintiff's Memorandum of Law in Partial Opposition to Defendants' Motion for Summary Judgment, and, (b) plaintiff's motion to amend should be granted for the reasons detailed in Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for an Order Permitting Him to Amend His Complaint.

Dated: Garden City, New York
February 17, 2012


MATTHEW J. JONES